

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CENTRA, INC. and)
DETROIT INTERNATIONAL)
BRIDGE COMPANY,)
Plaintiffs,) Case Nos. 07 CV 6312
v.) 07 CV 6348
CENTRAL STATES SOUTHEAST) Magistrate Judge Schenkier
AND SOUTHWEST AREAS PENSION)
FUND,)
Defendant.)

MOTION TO DISMISS CASE NO. 07-CV-6348

Plaintiffs, CenTra, Inc. and Detroit International Bridge Company (collectively, “Plaintiffs” or “CenTra”), by and through their attorneys, request that this Court dismiss Case No. 07-CV-6348, which was reassigned from Judge Lefkow to Judge Hart on December 6, 2007. In support of this Motion, the Plaintiffs state:

1. Plaintiffs filed this lawsuit, Case No. 07-CV-6312, on November 9, 2007 to enforce an October 10, 2007 arbitration Award issued by Arbitrator Richard I. Bloch.
2. On November 13, 2007, Defendant filed its own lawsuit, Case No. 07-CV-6348, to vacate or modify the same Award. That lawsuit was initially assigned to Judge Lefkow, but was transferred to Judge Hart by the Executive Committee’s December 6, 2007 order, which found the cases related.
3. On November 28, 2007, Defendant filed a timely Answer and Counterclaim to Plaintiffs’ Complaint filed in Case No. 07-CV-6312.

4. Defendant's Counterclaim contains precisely the same allegations as those alleged in its Complaint filed in Case No. 07-CV-6348. *Compare* Exhibit 1 to Plaintiffs' November 29, 2007 Motion for Reassignment *with* Defendant's November 28, 2007 Counterclaim).

5. Plaintiffs answered Defendant's Counterclaim on December 21, 2007.

6. Plaintiffs' Answer to the Complaint filed in Case No. 07-CV-6348 is currently due on or before January 28, 2008.

7. Because Defendant's Counterclaim in Case No. 07-CV-6312 contains the same allegations raised in Case No. 07-CV-6348, and because Case No. 07-CV-6349 has been reassigned to Judge Hart, who is presiding over Case No. 07-CV-6312, continuation of Case No. 07-CV-6348 would be duplicative, confusing, and entirely unnecessary.

8. Plaintiffs requested that Defendant agree to this motion. Defendant indicated, however, that it would not agree to the motion because of a concern that its Counterclaim was not timely filed pursuant to 29 U.S.C. 1401. To address this concern, Plaintiffs hereby stipulate that Defendant's Counterclaim is timely filed.

WHEREFORE, Plaintiffs request that Case No. 07-CV-6348 be dismissed without prejudice to Defendant's Counterclaim in Case No. 07-CV-6312.

DATED: January 18, 2008

Respectfully submitted,

CENTRA, INC. and
DETROIT INTERNATIONAL BRIDGE
COMPANY

By: /s/ Mark Casciari
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CERTIFICATE OF SERVICE

I hereby certify that on January 18, 2008, I electronically filed the foregoing MOTION TO DISMISS CASE No. 07-CV-6348 with the Clerk of the Court using the CM/ECF system, which sent e-mail notification of that filing to the following:

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